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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,512	04/20/2006	Akira Matsuki	09812.0757	3760
22852	7590	11/25/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER RUTLEDGE, AMELIA L.	
			ART UNIT	PAPER NUMBER
			2176	
			MAIL DATE	DELIVERY MODE
			11/25/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/576,512

**Applicant(s)**

MATSUKI ET AL.

**Examiner**

AMELIA RUTLEDGE

**Art Unit**

2176

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS-100)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 04/20/2006

### **DETAILED ACTION**

1. This action is responsive to the following communications: original application, filed 04/20/2006; Information Disclosure Statement, filed 04/20/2006.
2. Claims 1-5 are pending. Claim 1 is an independent claim.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: claim 1 recites: *the material information is recorded with situational information, **such as** location, date, and time, added to information, **such as** text, image, audio, and map related to the sightseeing spot.* The phrase "such as" renders the claim language indefinite and should be replaced with more definite terminology.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renie, U.S. Patent No. 5,655,053, issued August 1997, in view of Iseki et al., ("Iseki") U.S. Pub. No. 2002/0007311 A1, issued January 2002.**

**Regarding independent claim 1,** Renie teaches *a recording medium on which material information and a program are recorded for a user to create an original*

*electronic album in relation to a sightseeing spot, the recording medium being characterized in that: the material information is recorded with situational information, such as location, date, and time, added to information, such as text, image, audio, and map related to the sightseeing spot;* because Renie teaches a system for producing customized video recordings for a sightseeing spot, for example an amusement park, by inserting personalized video recordings of the customer within a preshot film of an attraction (Abstract; col. 3, l. 20-col. 4, l. 18; col. 5, l. 6-24; col. 7, l. 35-col. 8, l. 54).

Renie does not explicitly teach that *the program automatically or selectably displays material information related to situational information, such as location, date, and time, recorded with an image prepared by the user*, because Renie does not explicitly teach that the image is prepared by the user. However, Iseki teaches an electronic service site for a digital album (par. 0035-0038), where situational information can be recorded with an image prepared by the user (par. 0058; 0065; 0100; 0103).

Both Renie and Iseki are directed to the recording and storage of image data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system for producing customized video recordings for a sightseeing spot disclosed by Renie, with the image editing and storage system disclosed by Iseki, in order to allow users of the system flexibility in storing and accessing their recorded image content, as well as providing third party access to the content (Iseki, par. 0006).

**Regarding dependent claim 2**, Renie teaches that *a plurality of opening video added the situational information are recorded in the material information, and are automatically or selectably displayed in relation to situational information of the user by*

*the program*; because Renie teaches automatically inserting personalized video segments into pre-recorded stock footage of rides and attractions as well as other stock material on the tape such as special events, parades, etc. (col. 8, l. 6-31).

**Regarding dependent claim 3**, Renie does not explicitly teach *that following the opening video, images and the like prepared by the user are displayed chronologically by the program*, however, Iseki teaches an electronic service site for a digital album (par. 0035-0038), where situational information can be recorded with an image prepared by the user, and users can store their images in a digital album (par. 0058; 0065; 0100; 0103).

Both Renie and Iseki are directed to the recording and storage of image data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system for producing customized video recordings for a sightseeing spot disclosed by Renie, with the image editing and storage system disclosed by Iseki, in order to allow users of the system flexibility in storing and accessing their recorded image content, as well as providing third part access to the content (Iseki, par. 0006).

**Regarding dependent claim 4**, Renie teaches *an ID (identification number) for the recording medium is added to the recording medium*; because Renie teaches a card with a barcode that is used to tag personalized video recordings (col. 5, l. 35-7).

Renie suggests but does not explicitly teach *newest information as information recorded on the recording medium is able to be provided via a network with use of the ID*; however, Iseki discloses an ID for images and the recording medium, for use for providing information via a network, the internet (par 0035-0038; 0051; 0058-0060).

Both Renie and Iseki are directed to the recording and storage of image data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system for producing customized video recordings for a sightseeing spot disclosed by Renie, with the image editing and storage system disclosed by Iseki, in order to allow users of the system flexibility in storing and accessing their recorded image content, as well as providing third part access to the content (Iseki, par. 0006).

**Regarding dependent claim 5**, Renie does not explicitly teach *an electronic album creating apparatus, characterized in that editing is performed using image information captured by a user and information on the recording medium of Claim 1, while also using the situational information*; however, Iseki teaches an electronic service site for a digital album (par. 0035-0038), where situational information can be recorded with an image prepared by the user, and users can store their images in a digital album (par. 0058; 0065; 0100; 0103).

Both Renie and Iseki are directed to the recording and storage of image data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system for producing customized video recordings for a sightseeing spot disclosed by Renie, with the image editing and storage system disclosed by Iseki, in order to allow users of the system flexibility in storing and accessing their recorded image content, as well as providing third part access to the content (Iseki, par. 0006).

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dorfman et al.	U.S. Patent No. 7,155,336 B2	issued	December 2006
Willbanks	U.S. Patent No. 5,703,995	issued	December 1997

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amelia Rutledge/  
Examiner, Art Unit 2176

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